

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LINCOLN RAMPERSAD

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

USDC SDNY
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DATE FILED: 12/11/17

17 Civ. 4308 (AT) (KHP)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

ANALISA TORRES, District Judge:

Plaintiff *pro se*, Lincoln Rampersad, brings this action against Defendant, the Commissioner of Social Security, challenging the agency's decision to deny him disability benefits. Complaint, ECF No. 2. Defendant concedes that the administrative law judge adjudicating Plaintiff's disability benefits "committed two legal errors," including making a decision without giving Plaintiff the opportunity to testify, and erred in evaluating Plaintiff's residual functional capacity. Def. Mot. at 9-10, ECF No. 16. Because of those errors, Defendant moves to reverse the agency's final decision and remand the case for further proceedings. *Id.* Plaintiff does not oppose reversal and remand. ECF No. 17. On November 13, 2017, the Honorable Katharine H. Parker issued a Report and Recommendation ("R&R"), recommending that Defendant's motion be granted and that the case be reversed and remanded to the agency for further proceedings. R&R at 2-3, ECF No. 18.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "Courts review *de novo* those parts of a report and recommendation to which objections are made, and the remainder for clear error on the face of the record." *Mulosmanaj v. Colvin*, No. 14 Civ. 6122, 2016 WL 4775613, at *2 (S.D.N.Y. Sept. 14, 2016). Here, the parties agree that the case should be reversed and remanded; therefore, no objections to the R&R were filed, and the time to object has expired. The Court has reviewed Judge Parker's R&R, finds no clear error, and adopts the R&R in its entirety.

Accordingly, Defendant's motion is GRANTED. The Clerk of Court is directed to REMAND the case to the Commissioner of Social Security for further proceedings.

SO ORDERED.

Dated: December 11, 2017
New York, New York



ANALISA TORRES
United States District Judge